

There lived some years ago in the State of Georgia, one of the purest and best men that ever graced the halls of Congress. I speak of John McPherson Berrier. What does he say?

"Forty years of successful experiment have proved the efficiency of this government to sustain us in an honorable intercourse with the other nations of the world. Externally in peace and in war, amid the fluctuations of commerce and the strife of arms, it has protected our interests and defended our rights. One trial, one fearful trial remains to be made. It is one under the apprehension of which the bravest may tremble, which the wise and the good will anxiously endeavor to avoid. It is that experiment which shall test the competency of this government to preserve our internal peace, whenever a question vitally affecting the bond which unites us as one people shall come to be solemnly agitated between the sovereign members of this Confederacy. In proportion to its dangers should be our solicitude to avoid it by abstaining on the one hand from acts of doubtful legislation, as well as by the manner of resistance on the other, to those which are deemed unconstitutional. Between the independent members of this Confederacy, sir, there can be no common arbiter. They are necessarily remitted to their own sovereign will, deliberately expressed, in the exercise of those reserved rights of sovereignty, the delegation of which would have been an act of political suicide. The designation of such an arbiter, was, by the force of invincible necessity, *casus omissus* among the provisions of a constitution conferring limited powers, the interpretation of which was to be confided to the subordinate agents created by those who were intrusted to administer it. I earnestly hope that the wise and conciliatory spirit of this government, and of those of the several States, will postpone to a period far distant the day that will summon us to so fearful a trial. If, indeed, we are doomed to encounter it, I as earnestly hope it may be entered upon in the spirit of peace, and with cherished recollections of former amity."

Glorious words and well worthy of such a man. There is one other authority upon this point which I wish to read.

"The secession of a State from the Union depends upon the will of the people of such State. The people alone, as we have already seen, have the power to alter the Constitution."—*William Rawle, of Pennsylvania, 1825.*

Perhaps the governing spirit of the Convention that framed the Constitution, the one who left his impress more deeply upon it than any other, unless indeed it be Mr. Madison, was Gouverneur Morris. What does he say about the Constitution? He declares that it was a compact between the States, and not a compact between individuals scattered over the whole Union. These are his words :

"That the Constitution was a compact, not between solitary individuals, but between political societies, the people, not of America, but of the United States—each (State) enjoying sovereign power and of course equal rights."

Thus it differs from a State Constitution, which is a compact so far as it can be called a compact, between individuals. It is a compact between sovereignties.

Mr. Madison says :

"On examining the first relation, it appears on one hand, that the Constitution is to be founded on the assent and ratification of the people of America, given by deputies elected for the special purpose; but on the other, that this assent is given by the people, not as individuals composing one entire nation, but as composing the distinct and independent States to which they respectively belong. This assent and ratification is to be given by the people, not as individuals composing one entire nation, but as composing the distinct and independent States to which they respectively belong. It is to be the assent and ratification of the several States derived from the supreme authority in each State—the authority of the people themselves. The act, therefore, establishing the Constitution, will not be a national but a federal act."

Mr. Patrick Henry, in the Virginia Convention, objected to the words—"We, the people of the United States," lest it might be supposed that it meant the inhabitants of all the States as one homogeneous mass or aggregate. Mr. Madison replied to him :

"The parties to it are to be the people, but not the people as composing one great society, but the people as composing thirteen distinct and separate sovereignties."

Now, sir, one word upon this doctrine of coercion. My theory is that this is a government of consent. The people found a difficulty in getting along together under the old articles of confederation, and to remedy those difficulties they met together in Convention, peaceably, quietly, and by consent they adopted this Constitution. By it they gave certain powers to the federal authority, and within the limits of that grant of power the federal authorities can rightfully go and no further. Outside of it they dare not step. Outside of it they cannot step rightfully, legally. When they transcend those limits it is usurpation, and usurpation is despotism. I said it was a government of consent. I say so still. And I say that if a condition of things ever arises in this country not provided for by law, one of three things must happen : the fundamental law must either be amended in the mode prescribed by itself, or the States must be resolved into their original condition, or the Federal Government becomes a despotism by the assumption of undelegated and unauthorized powers. One of these three things must happen.